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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,238	08/08/2001	Robert J. Laferriere	Gems0136/YOD	9904

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EXAMINER

SAADAT, CAMERON

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 08/27/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/682,238

Applicant(s)

LAFERRIERE ET AL.

Examiner

Cameron Saadat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/18/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Status of Claims

In response to Amendment filed 6/18/03, Claims 16-42 are pending in this Application. Claims 1-15 were previously withdrawn from further consideration by the examiner as being drawn to a non-elected Invention. The amendments to the specification have not been entered since it is not clear whether applicant intends on replacing the first paragraph or second paragraph on page 13 or simply amending the first paragraph.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 16-17, 23-25, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Melker et al. (USPN 6,535,714 B2; hereinafter Melker).**

Regarding claim 16, Melker discloses a method for remotely training persons having a medical diagnostic imaging system, the method comprising: providing a collaborative computing environment between a trainee and a remote trainer for a medical diagnostic imaging system (including several other medical devices); and interactively instructing the trainee via the collaborative computing environment (Col.8, lines 10-19, 65).

Regarding claim 17, Melker discloses a remote collaborative computing environment comprising interacting with a UNIX operating system and several other operating systems (Col. 3, line 66).

Regarding claims 23 and 25, Melker discloses the feature of remotely interacting and initiating events with an operating system of the medical diagnostic imaging system (col. 3, lines 24-37; line 60).

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Regarding claims 24, Melker discloses a collaborative environment having platform-independent operating systems (Col. 3, line 62 – Col. 4, line 6).

Regarding claim 27, Melker discloses the feature of remotely interacting with a plurality of geographically separate trainees via the collaborative computing environment (Col. 8, lines 10-12).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claims 18-22, 28-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melker et al. (USPN 6,535,714 B2; hereinafter Melker) in view of Edlund et al. (USPN 6,085,227; hereinafter Edlund).**

Regarding claims 18, 28, 31, 34-35, 37-38, and 40, Melker discloses a method of providing a collaborative computing environment for interacting a medical diagnostic imaging system and *conducting group instruction*, training, monitoring, and the like. It is not explicitly disclosed that the remote computing environments **share** a graphical user interface (as per claims 18, 28, 34-35, 37, and 40) or transmit captured screen data (as per claims 31 and 38). However, Edlund teaches a collaborative computing environment, wherein multiple users share content of *real-time* content of scientific instruments (Col. 2, lines 5-36; Col. 3, lines 35-45). In view of Edlund, it would have been obvious to a person of ordinary skill

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in the art to modify the collaborative computing environment described by in Melker, by providing a *shared graphical user interface* in order to allow multiple users to *simultaneously* view the status of a remote device and an associated scientific instrument or experiment; thus conducting an effective group instruction as suggested in Melker.

Regarding claims 19, 32, and 42, the combination of Melker and Edlund discloses a remote collaborative environment of shared interfaces, implemented with a medical diagnostic imaging system; and capability of capturing, transmitting screen data between computing systems. Neither reference explicitly discloses the feature of caching screen data. However, it is the examiner's position that providing a cache memory assembly in the central processing unit of a computer is notoriously well known feature for improving data transfer time, and it would have been obvious to a person of ordinary skill in the art to provide caching of computer data in order to provide faster delivery of information (See Newton's Telecom Dictionary, P. 120 cache memory).

Regarding claims 20, 26, 30, 33 and 39, the combination of Melker and Edlund discloses a remote collaborative environment of shared interfaces, implemented with a medical diagnostic imaging system; and capability of capturing, transmitting screen data between computing systems. Melker does not explicitly disclose the capability of providing **mutual operability** (20, 26, 30, 33 and 39). However, Edlund discloses the capability of providing **mutual operability** of an application by a first and second remote computing system (Col. 3, lines 35-39). Thus, it would have been obvious to a person of ordinary skill in the art to modify the remote collaborative environment described in Melker, by providing *mutual control of an application*, in light of the teachings of Edlund in order to provide an enhanced collaborative environment, wherein users in remote locations can *simultaneously* interact and cooperate with each other in a shared graphical user interface.

Regarding claim 21, Melker discloses the feature of providing a simulated graphical user interface for the medical diagnostic imaging system (Col. 2, line 65 - Col. 3, line 5).

Regarding claim 22, Melker further discloses capturing screen data for a display of the medical diagnostic imaging system and transmitting the screen data to a remote display (col. 4, lines 12-13).

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Regarding claims 29, and 36, Melker discloses a collaborative environment having platform-independent operating systems (Col. 3, line 62 – Col. 4, line 6).

Regarding claim 41, the combination of Melker and Edlund discloses a remote collaborative environment of shared interfaces, implemented with a medical diagnostic imaging system; and capability of capturing, transmitting screen data between computing systems. Neither reference explicitly discloses the feature of providing a safety routine to prevent undesirable operation of the medical diagnostic imaging system. However, it is the examiner's position that providing a safety routine to prevent undesirable operation of a system is a notoriously well known feature for limiting the exposure of a computer or a group of computers to an attack from outside. Therefore, it would have been obvious to a person of ordinary skill in the art to provide a safety routine in order to protect the system (See Newton's Telecom Dictionary, P. 299 firewall).

Response to Arguments

6. Applicant's arguments with respect to claims 16-42 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Newton's Telecom Dictionary – discloses cache memory and safety routine information.
- Butman et al. (USPN 5,884,035) – disclose a method for collaboration and selective sharing of information.
- Allison (USPN 6,546,230) – discloses a system for remotely training health care professionals how to use medical diagnostic imaging systems.

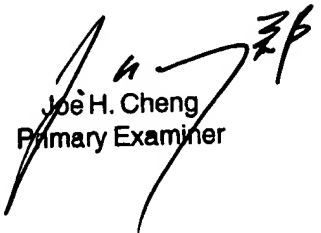
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is 703-305-5490. The examiner can normally be reached on M-F 8:00 - 4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

CS
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August 20, 2003


Joe H. Cheng
Primary Examiner